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**Pro hac vice applications forthcoming*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re Application of
507 SUMMIT LLC,
Petitioner, for an Order Pursuant to 28 U.S.C. §
1782 to Conduct Discovery For Use In a
Foreign Proceeding.

Case No. 23-mc-80069

**APPLICATION FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782 TO
CONDUCT DISCOVERY FOR USE
IN A FOREIGN PROCEEDING**

507 Summit LLC ("507 Summit" or "Petitioner") respectfully requests an order in the form attached hereto permitting Petitioner to obtain limited discovery under 28 U.S.C. § 1782 ("Section 1782") in connection with an appraisal proceeding pending before the Grand Court (the "Cayman Court") of the Cayman Islands (the "Appraisal Proceeding"), to which Petitioner is a party. In

1 support of its application, Petitioner submits a Memorandum of Law, the Declaration of Samuel
2 Martin Pierce Dawson (the “Dawson Decl.”) and the Declaration of Minyao Wang (“Wang Decl.”)
3 Petitioner further states as follows:

4 1. Petitioner seeks the assistance of this Court to obtain limited discovery from David
5 Katsujin Chao (collectively, “Mr. Chao”) for use in the Appraisal Proceeding. Mr. Chao was the
6 Chairman of 51job, Inc. (the “Company”) at the time of its take-private merger was negotiated and
7 implemented. Mr. Chao signed the proxy statements issued by the Company in connection with the
8 merger.

9 2. Petitioner’s tailored requests are set forth in the subpoena attached as Exhibit 1 to the
10 Wang Declaration and relate to the fair value of the shares of the Company that are the subject of
11 the Appraisal Proceeding, including the process leading to the purchase of the shares of the
12 Company’s unaffiliated minority shareholders (including Petitioner). As set forth in the
13 accompanying submissions, the targeted discovery requested in the Subpoena cannot be obtained
14 compulsorily in the Appraisal Proceeding because Mr. Chao is not subject to the jurisdiction of the
15 Cayman Court, but the Cayman Court will be receptive to the discovery obtained and assistance
16 from this Court.

17 3. Section 1782 permits litigants in foreign proceedings to obtain discovery in the
18 United States to assist in the foreign litigation. In particular, Section 1782 states:

19 The district court of the district in which a person resides or is found may order him
20 to give his testimony or statement or to produce a document or other thing for use in
21 a proceeding in a foreign or international tribunal, including criminal investigations
22 conducted before formal accusation. The order may be made . . . upon the
application of any interested person and may direct that the testimony or statement
be given, or the document or other thing be produced, before a person appointed by
the court.

23 4. The statutory requirements of Section 1782 are satisfied here. As explained in the
24 accompanying submissions: (1) Mr. Chao “resides” in this District because he maintains a residence
25 and an office here (and otherwise has sufficient contacts with this judicial district), (2) the requested
26 discovery is to be used in the Appraisal Proceeding; and (3) Petitioner is an “interested person” in
27 the Appraisal Proceeding because it is a party to that proceeding.

5. This application also meets the discretionary factors of Section 1782. As explained further in the accompanying submissions: (1) Mr. Chao is not a party to the Appraisal Proceeding and cannot be compelled by the Cayman Court to produce discovery; (2) the Cayman Court will be receptive to judicial assistance from a U.S. court; (3) Petitioner is not attempting to circumvent foreign proof-gathering restrictions; and (4) the requested discovery is not unduly intrusive or burdensome. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 244-245 (2004).

6. Petitioner therefore respectfully requests that this Court expeditiously grant this application for an Order granting Petitioner leave to serve Mr. Chao with the Subpoena.

7. WHEREFORE, Petitioner respectfully requests that this Court enter an Order:

- (a) granting the application for discovery under 28 U.S.C. § 1782;
- (b) authorizing Petitioner to take discovery from Mr. Chao, by issuing the Subpoena; and
- (c) directing Mr. Chao to comply with the Subpoena issued in this case in accordance with the Federal Rules of Civil Procedure and the Rules of this Court.

Dated: March 10, 2023

By: /s/Marc S T Dworsky

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